

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 11 has been canceled, and the subject matter thereof has been incorporated into claim 9.

In the Official Action, claims 9 and 11 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,476,892 in view of U.S. Patent No. 6,262,788 (*Hanrahan et al*). Claims 12 and 13 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of the '892 patent in view of *Hanrahan et al*, and further in view of U.S. Patent No. 5,663,310 (*Shimoda et al*).

Without addressing the propriety of the above rejections, and in an effort to expedite prosecution of the present application, submitted herewith is a Terminal Disclaimer with respect to the '892 patent. The filing of such Terminal Disclaimer is effective to overcome the above obviousness-type double patenting rejections. Accordingly, withdrawal of such rejections is respectfully requested.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being obvious over *Hanrahan et al* in view of U.S. Patent No. 5,747,121 (*Okazaki et al*), as evidenced by *Shimoda et al*. Claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being obvious over *Hanrahan et al* in view of *Okazaki et al*, and further in view of *Shimoda et al*. Without addressing the propriety of the Examiner's comments in connection with the above rejections, it is noted that such rejections are moot in light of the above incorporation of the subject matter of claim 11

into claim 9. In this regard, claim 11 does not stand rejected in the above §103(a) rejections.

For at least this reason, withdrawal of such rejections is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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from Burns Doane Swecker & Mathis)

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